

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2611

Date: October 6, 2005

Applicant: Thomas Meyer, on behalf of James and Kristin Ulland

Address of Property: 1600 West 22nd Street

Contact Person and Phone: Thomas Meyer, (612) 359-3222

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: September 13, 2005

End of 60 Day Decision Period: November 12, 2005

Appeal Period Expiration: October 17th, 2005

Ward: 7 **Neighborhood Organization:** Lowry Hill Residents, Inc.

Existing Zoning: R2 Two-family Residential District

Proposed Use: An addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the required north interior side yard setback from 5 ft. to 2ft. 4in. to allow for a 1-story, 290 sqft addition to an existing single-family dwelling.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject site is a reverse corner lot approximately 50.2 ft. x 160ft. (8,032 sq. ft.) that consists of an existing single-family dwelling. The applicant is proposing to construct a 1-story, approximately 13.5 ft. x 21.5ft.addition onto the north side of the dwelling by continuing the existing wall, 2 ft. 4in. to the property line.

The building code does not allow any openings in a residential structure that is closer than 3ft. to a property line. Therefore, the windows currently proposed on the addition would not be allowed per the building code. The zoning code requires that a minimum of 5% windows on each floor of a single family dwelling that face an interior side lot line shall be windows. If openings for windows are not allowed per the building code, the zoning code requirements cannot, therefore, be satisfied.

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses.

(c) *Windows* . Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Interior side yard setback: The applicant has requested a variance to reduce the required north interior side yard setback from 5 ft. to 2ft. 4in. to allow for an addition to an existing single-family dwelling. The applicant is proposing to expand the existing footprint of the dwelling to allow for a 290 sqft. addition to the north side of the existing dwelling. The applicant states that this addition is needed to “improve circulation through the house, provide more interaction between the gathering spaces for guests and family, add additional storage space, and maximize visibility and access to the exterior pool and decks.” Strict adherence to the regulations would not allow for the 1-story addition to the existing single-family dwelling. Staff does not believe the proposed construction is a reasonable request because the applicant is proposing to a 1-story addition 2ft. 4in. from the property line and would not be able to provide the required window area per 535.90(c), because of conflicts with the building code. An addition 3ft. to the property line would allow for reasonable use of the property, while allowing the window requirement to be met.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Interior side yard setback: The applicant has requested a variance to reduce the required north interior side yard setback from 5 ft. to 2ft. 4in. to allow for an addition to an existing single-family dwelling. The applicant is proposing to expand the existing footprint of the dwelling to allow for a 290 sqft. addition to the north side of the existing dwelling. The applicant states that this addition is needed to “improve circulation through the house, provide more interaction between the gathering spaces for guests and family, add additional storage space, and maximize visibility and access to the exterior pool and decks.” Strict adherence to the regulations would not allow for the 1-story addition to the existing single-family dwelling. Staff does not believe the proposed construction is a reasonable request because the applicant is proposing to a 1-story addition 2ft. 4in. from the property line and would not be able to provide the required window area per 535.90(c), because of conflicts with the building code. With the understanding that the existing structure is nonconforming to the interior side setback, staff is

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generally sympathetic to rear additions and would prefer the proposed addition to be setback 3ft. to the property line, thereby encouraging a reasonable use of the property and allowing the window requirement to be met.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Interior side yard setback: The addition would alter the essential character of the surrounding neighborhood and would be injurious to the use or enjoyment of adjacent property as a 1-story wall will be constructed 2ft. 4in. from the property line for approximately 21.5 ft. The addition of a windowless wall will negatively impact the area since the addition is immediately adjacent to a neighboring structure. Staff believes that the proposed addition would not likely be injurious to the use or enjoyment of other property in the vicinity, if the setback is modified to the recommended 3 ft.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Interior side yard setback: Granting the interior side yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety provided the addition would comply with applicable regulations of the building code. The variance, if granted, could negatively impact the adjacent property owner, due to the length and proximity of the proposed addition 2ft. 4in. from the property line.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required north interior side yard setback from 5 ft. to **3ft.** to allow for a one-story addition to an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the addition match the existing dwelling.
3. That the addition meets the requirement of at least five percent windows to the side and rear as required by section 535.90(c) of the zoning code.